

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of) MM Docket No. 95-129
)
Amendment of Section 73.202(b)) RM-8673
Table of Allotments,)
FM Broadcast Stations.)
(Colchester, Illinois))

To: Mass Media Bureau (Policy & Rules)

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COMMENTS IN SUPPORT OF PROPOSED RULE MAKING

Sharon K. Bryan ("Petitioner"), by her attorney, respectfully files the following comments in response to the Commission's Notice of Proposed Rule Making, DA 95-1687, released August 4, 1995, ("NPRM") in the above-captioned proceeding. Petitioner hereby incorporates by reference its petition for rule making.

The underlying Petition for Rule Making proposes the allotment of Channel 240A to Colchester. However, the NPRM reports that the Commission's internal engineering analysis determined that the Channel 240A allotment at Colchester would be short-spaced to the allotment reference coordinates for station KOKX-FM, channel 237C1, Keokuk, Iowa. Therefore, on its own motion, the Commission proposes allotting Channel 281A to Colchester at new reference coordinates in lieu of the requested Channel 240A.

As shown by the attached spacing study prepared by Petitioner's consulting broadcast engineer, James P. Gray, the Commission's internal study and counter-proposal are in error because they have apparently failed to consider the transmitter site authorized in KOKX-FM's construction permit. As discussed below, Channel 240A may be allotted to Colchester at the originally proposed reference coordinates fully-spaced to channel 237C1 at Keokuk.

When considering petitions to amend the FM Table of Allotments, the priority and choice of reference points used to determine distance separation requirements are governed by Section 73.208 of the rules which compels the Commission to make distance computations using an allotment's transmitter site if authorized, or if proposed in applications with cut-off protection. Only when there is no such site may the Commission may consider other reference coordinates.

As shown in the attached spacing table, there are two sets of reference coordinates for channel 237C1 at Keokuk. The first set shows the reference coordinates designated in MM Docket 89-451. The second set shows the coordinates authorized for the transmitter site granted in construction permit File No. BPH-911030IC.

The requested Channel 240A allotment is short-spaced to the MM Docket 89-451 reference coordinates designated for channel 237C1. However, Section 73.208 mandates that, when proposing to amend the FM Table of Allotments, these allotment reference coordinates are superseded by the transmitter site coordinates authorized by the construction permit for channel 237C1 granted in FCC File No. BPH-911030IC. These authorized transmitter site coordinates are fully spaced to Petitioner's original proposal to allot channel 240A to Colchester at reference coordinates of 40° 24' 56", 90° 42' 18". Accordingly, channel 240A may be allotted to Colchester as originally proposed fully consistent with all spacing requirements and good engineering practice.

Therefore, Petitioner requests reconsideration of the Commission's counter-proposal and continues to support the allotment of Channel 240A to Colchester, Illinois, at the proposed original reference coordinates. Furthermore, for the reasons outlined in the attached engineering statement, Channel 240A would be

superior to the allotment of Channel 281A at Colchester and a more efficient allocation of channels.

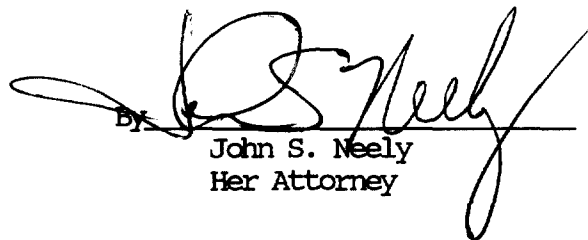
Upon amendment of Section 73.202(b) of the rules and the allotment of channel 240A at the reference coordinates of 40° 24' 56", 90° 42' 18", Petitioner will promptly prepare and file an appropriate application for the proposed facility. Upon grant of said application, Petitioner will diligently pursue the construction thereof and begin operating with the new facilities as quickly as possible. Accordingly, the Commission should amend its rules by allotting Channel 240A to Colchester, Illinois, as originally proposed.

However, if channel 281A is allotted to Colchester as proposed in the NPRM in lieu of channel 240A, Petitioner will prepare and file an application for channel 281A. Upon grant of that application, she will promptly build and operate the new station.

It is noted that Channel 281A could be allotted to Macomb, Illinois, as that community's third local commercial FM service.

Respectfully Submitted,

SHARON K. BRYAN

By 
John S. Neely
Her Attorney

September 25, 1995

Miller & Miller, P.C.
P.O. Box 33003
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ENGINEERING STATEMENT

The following engineering statement is in support of a petition by Sharon K. Bryan requesting Channel 240A be allocated to Colchester, Illinois. Included with this statement are FM Spacing Studies for Channel 240A at Colchester using the Dataworld and FCC databases.

The Commission in its Notice of Proposed Rule Making proposed that Channel 281A be substituted for Channel 240A because it "determined that Channel 240A was "short-spaced to the frequency allotment site for Station KOKX-FM" Channel 237C1, Keokuk, Iowa. The attached FM Spacing study indicates the requested coordinates for Channel 240A (40 24' 56" 90 42' 18") are fully spaced to KOKX-FM's authorized construction permit site but not to the original allocation reference site. The allocation reference site for Channel 237C1 at Keokuk is not relevant because, pursuant to 73.208(a)(1), authorized transmitter sites take precedence over allotment reference coordinates when determining reference points for petitions to amend the Table of Allotments.

Channel 240A requires a site restriction of only 7.6 kilometers east of Colchester whereas Channel 281A requires a site restriction of 12.2 kilometers northwest. The ability to locate Channel 240A closer to Colchester allows for higher signal level over Colchester. Colchester is located in McDonough County. The area to locate Channel 240A at Colchester is centered geographically and to the population of McDonough County. Channel 281A would have to locate on the far west side of the county and could only cover part of the county.

Channel 240A is a superior channel for allocation at Colchester and meets the Commission's FM Spacing requirements.



Jim Gray
10 Trinity Place
Fort Thomas, Ky. 41075
606-781-5715 phone/fax

September 14, 1995

September 14, 1995

FM Spacing study

Title: sharon bryan
 Channel 240A (95.9 MHz)
 Database: FCC 08/10/95

Latitude: 40-24-56
 Longitude: 90-42-18
 Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KOKX-FM LIC	Withers	Broadcasting Com	237A	3	40-24-38	269.7	61.75	31
Keokuk	IA	BLH-5729	95.3	72	91-25-57	89.2	30.75	CLEAR
ALLOC			237C1		40-24-38	269.7	61.75	75
Keokuk	IA	DOC-89-451	95.3		91-25-57	89.2	-13.2	SHORT
KOKX-FM CP	Withers	Broadcasting Com	237C1	100	40-25-19	270.8	75.54	75
Keokuk	IA	BPH-911030IC	95.3	299	91-35-42	90.3	.540	CLOSE
ALLOC			238B1		40-36-23	77.5	101.1	48
Pekin	IL	DOC-86-489	95.5		89-32-20	258.2	53.08	CLEAR
ALLOC			239C		39-11-42	218.3	171.9	165
Mexico	MO		95.7		91-56-25	37.5	6.918	CLOSE
KWWR LIC	Kxco Radio, Inc.		239C	100	39-11-42	218.3	171.9	165
Mexico	MO	BLH-850806KL	95.7	303	91-56-25	37.5	6.918	CLOSE
ALLOC			240A		40-58-47	298.6	133.2	115
Fairfield	IA		95.9		92-05-45	117.7	18.21	CLEAR
KIIK-FM LIC	Galesburg Broadcasting C		240A	4.10	40-58-47	298.6	133.2	115
Fairfield	IA	BLH-920604KD	95.9	122	92-05-45	117.7	18.21	CLEAR
ALLOC			240A		39-17-00	150.6	144.1	115
Carlinville	IL	DOC-87-608	95.9		89-52-54	331.1	29.11	CLEAR
Filing window 11/22-12/22/88 **CLOSED**								
PRM	ADD	WMS1, Inc.	241A		39-53-57	125.5	98.30	72
Athens	IL	DOC-95-111	96.1		89-46-04	306.1	26.30	CLEAR
KMXG LIC	Signal Hill Communicatio		241C1	100	41-37-58	10.2	137.4	133
Clinton	IA	BLH-861017KB	96.1	299	90-24-38	190.4	4.424	CLOSE
ALLOC			241C1		41-37-58	10.2	137.4	133
Clinton	IA		96.1		90-24-38	190.4	4.424	CLOSE
ALLOC			242C2		40-26-30	272.9	62.27	55
Keokuk	IA		96.3		91-26-17	92.4	7.274	CLOSE
KYAT CP	David M. Lister		242C2	18	40-25-19	270.8	75.54	55
Keokuk	IA	BMPH-940518IP	96.3	253	91-35-42	90.3	20.54	CLEAR

September 14, 1995

FM Spacing study

Title: sharon bryan
Channel 240A (95.9 MHz)
Database: DW 09/12/95

Latitude: 40-24-56
Longitude: 90-42-18
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KOKX-FM LIC	W	RUSSELL WITHERS JR	237A	3	40-24-38	269.7	61.75	31
KEOKUK	IA		95.3	72	91-25-57	89.2	30.75	CLEAR
Deletion proposed; ORDERED TO 242C2 & TO 237C1								
KOKX-FM CP	W	RUSSELL WITHERS JR	237C1	100	40-25-19	270.8	75.54	75
KEOKUK	IA	BPH-911030IC	95.3	299BT	91-35-42	90.3	.540	CLOSE
CP Granted 04/01/94 per FCC release #21862 dated 04/13/94; CP Granted 04/01/94 per FCC release #21862 dated 04/13/94; ORDERED FROM 237A								
WGLO	LIC	TWO PETAZ, INC.	238B1	7	40-36-23	77.5	101.1	48
PEKIN	IL	BLH-890510KB	95.5	189	89-32-20	258.2	53.08	CLEAR
KWWR	LIC	KXEO RADIO INCORPORATED	239C	100	39-11-42	218.3	171.9	165
MEXICO	MO	BLH-850806KL	95.7	303	91-56-25	37.5	6.918	CLOSE
Was KWWR-FM 10/16/85								
KIIK-FM LIC	GALESBURG	BROADCASTING C	240A	4.10	40-58-47	298.6	133.2	115
FAIRFIELD	IA	BLH-920604KD	95.9	122	92-05-45	117.7	18.21	CLEAR
Was KMCD-FM 07/01/89; Ant: Harris								
KMXG	LIC	SIGNAL HILL COMMUNICATIO	241C1	100	41-37-58	10.2	137.4	133
CLINTON	IA	BLH-861017KB	96.1	299	90-24-38	190.4	4.424	CLOSE
Was KMJC 04/16/93 per FCC release #203 dated 04/30/93								
KYAT	CP	DAVID M. LISTER	242C2	18	40-25-19	270.8	75.54	55
KEOKUK	IA	BMPH-940518IP	96.3	253	91-35-42	90.3	20.54	CLEAR
CP Granted 09/28/94 per FCC release #21996 dated 10/07/94; CP Granted 09/28/94 per FCC release #21996 dated 10/07/94; BMPH-940320JA EXT(16149-4/4/95); Call Granted 06/04/92 per FCC release #184 dated 06/05/92								
ALLOC			243A		40-41-54	61.8	67.09	31
FARMINGTON	IL		96.5		90-00-18	242.2	36.09	CLEAR
Filing window 04/24-05/25/95 **CLOSED** ; ALLOC REOPENS PER CP CANCELLATION								
KCQQ	LIC	K-RIVER BROADCASTING, IN	293C1	60	41-32-14	5.0	125.0	22
DAVENPORT	IA		106.5	64	90-34-30	185.0	103.0	CLEAR
Was KRVR 04/21/95 per FCC release #253 dated 04/28/95								
WBRJ	CP	MAGNUM BROADCASTING, INC	294B1	25	39-56-33	202.6	56.91	12
MOUNT STERLING	IL	BPH-940705MB	106.7	100	90-57-44	22.5	44.91	CLEAR
CP Granted 05/02/95 per FCC release dated 05/12/95; CP Granted 05/02/95 per FC C release dated 05/12/95; Call Granted 06/16/95 per FCC release #257 dated 06/23/95								

McDONOUGH COUNTY, ILLINOIS CHANNEL 240A and CHANNEL 281A PROPOSED REFERENCE SITES

